

BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS  
AM-34-02

NOTICE IS HEREBY GIVEN that pursuant to ss. 227.11(2)(a), 285.11(1), 285.17 and 285.27(2), Stats., interpreting ss. 285.11(10), 285.13(5), 285.17, 285.27(2), 285.63(4), 285.64, 285.67 and 285.69, Stats., the Department of Natural Resources will hold public hearings on revisions to chs. NR 400, 406, 407, 410, 419, 422, 423, 438, 439, 445, 446, 447, 448, 449, 468 and 484, Wis. Adm. Code, relating to the control of hazardous air pollutants and air contaminant inventory report requirements. The revision proposes to add 153 hazardous air pollutants to ch. NR 445, remove 5 hazardous air pollutants from the current list, and to establish regulatory thresholds, emission standards, permit and emission inventory reporting requirements for the newly listed substances. The revisions propose to establish risk-based thresholds for carcinogens. Emission standards are revised for 116 of the 429 currently listed hazardous air pollutants. The rule revisions are also being proposed to improve the regulatory system. The revisions introduce alternative methods for demonstrating compliance and add measures to reduce, streamline and clarify regulatory requirements.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., the proposed rule may have an impact on small businesses. The initial regulator flexibility analysis is as follows:

a. Types of small businesses affected: Small businesses that may emit hazardous air pollutants are affected by this regulation. The regulation creates an "incidental emitter" category which substantially narrows the regulatory responsibility for most non-manufacturing businesses and for those manufacturing businesses that emit less than 3 tons/year of volatile organic compounds and less than 5 tons/year of particulate matter. It is estimated that close to 99% of all establishments in Wisconsin will fall in the "incidental emitter" category.

b. Description of reporting and bookkeeping procedures required: Small businesses that need to limit or reduce their emissions of hazardous air pollutants in order to comply with the emission standards will be required to report the hazardous air pollutant(s), the method used to comply with the applicable emission standard and a description of the records that will be kept on site to verify continuous compliance with the standard. Businesses that work with complex formulations or that frequently change the chemicals that they use may need to keep additional records to track their chemical usage.

c. Description of professional skills required: In some cases, engineering skills will be needed to determine how to comply with the emission standards. However, this is not expected to be the case for most small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on:

<u>August 19, 2002</u> Monday	Appleton Public Library, 225 N. Oneida Street, Appleton at 4:00 p.m.
<u>August 20, 2002</u> Tuesday	Auditorium, Wood County Courthouse, 400 Market Street, Wisconsin Rapids at 4:00 p.m.
<u>August 22, 2002</u> Thursday	Jury Assembly Room, La Crosse Co. Courthouse, 333 Vine St., La Crosse at 2:00 p.m.
<u>August 26, 2002</u> Monday	Room 027, GEF #2, 101 South Webster Street, Madison at 1:30 p.m.
<u>August 27, 2002</u> Tuesday	Room 141, DNR Southeast Region Hdqrs., 2300 N. Dr. Martin Luther King Jr. Drive, Milwaukee at 4:00 p.m.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Robert Park at (608) 266-1054 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written comments on the proposed rule may be submitted to Ms. Caroline Garber, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707 no later than September 13, 2002. Written comments will have the same weight and effect as oral statements presented at the hearings.

A copy of proposed rule AM-34-02 and its fiscal estimate may be obtained from:

Proposed Rules  
Bureau of Air Management  
P.O. Box 7921  
Madison, WI 53707

Phone: (608) 266-7718  
FAX: (608) 267-0560

Dated at Madison, Wisconsin \_\_\_\_\_ July 15, 2002 \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_ /s/ \_\_\_\_\_  
Darrell Bazzell, Secretary